
**COMPLAINTS OFFICER
TERMS OF REFERENCE
MCK DISCIPLINARY MEASURES REGULATIONS**

GENERAL ACCOUNTABILITY

The Complaints Officer will perform the duties set forth in the *Mohawk Council of Kahnawà:ke Disciplinary Measures Regulations* on an “as needed” basis.

The Complaints Officer is responsible to summarily dismiss any complaint received beyond thirty (30) days of the occurrence or knowledge of the occurrence of the conduct, act or event that is the object of the complaint. In no case will a complaint be received if it is filed more than three (3) years from the occurrence of the conduct, act or event which gives rise to the complaint.

The Complaints Officer is responsible, in the event that the legal delay is met, to conduct a fair and objective inquiry into whether the complaint is frivolous, vexatious or clearly without merit.

The Complaints Officer is responsible to, in the event that it is determined that the complaint is valid, at the request of the parties mediate directly or send the parties to the Skén:nen Aonsón:ton Alternative Dispute Resolution (ADR) process offered through the Kahnawà:ke Justice System.

The Complaints Officer is responsible to cooperate in any judicial proceedings stemming from his/her decisions that may be subject to judicial proceedings before the Court of Kahnawà:ke.

DUTIES AND RESPONSIBILITIES

- 1. The Complaints Officer is responsible to confirm if the complaint is submitted within thirty (30) days of the occurrence or knowledge of the occurrence of the conduct, act or event that is the object of the complaint.**
 - Confirms submission within the legal delay by verifying the date the formal written complaint was stamped by the Court clerk.
 - Summarily dismisses any complaint not submitted within the legal delay mentioned in section 5.2 or section 5.3 of the Regulations.
 - Advises the complainant in writing of such dismissal.

- 2. The Complaints Officer is responsible to conduct an objective inquiry into whether the complaint is frivolous, vexatious, or clearly without merit.**
 - In the event that the complaint is not summarily dismissed, will immediately conduct an inquiry into the complaint by contacting and interviewing the complainant(s), the Chief(s) whose conduct is the object of the complaint and their respective witnesses.

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- Inquires whether the complaint is frivolous, vexatious or clearly without merit.
 - Rejects any complaint deemed to be frivolous, vexatious or clearly without merit.
 - Advises and provides written reasons to the complainant if the complaint is determined to be frivolous, vexatious or clearly without merit.
3. **If the complaint is not determined to be frivolous, vexatious or clearly without merit the Complaints Officer will offer mediation to the parties.**
- At the request of the parties the Complaints Officer will attempt to mediate the dispute between the parties and find a settlement acceptable to both parties, or send the parties to the Skén:nen Aonsón:ton Alternative Dispute Resolution (ADR) process offered through the Kahnawà:ke Justice System.
 - If the parties refuse the offer of mediation, or if either party withdraws from the mediation process, or if after having accepted the offer of mediation no acceptable solution is found within forty-five (45) days of the start of the mediation process (or ninety (90) days from the start of mediation if the parties agreed to extend the mediation period), the Complaints Officer will refer the complaint to arbitration for adjudication of the issues by forwarding the complaint back to the Court clerk for selection of an Arbitrator.
4. **The Complaints Officer will cooperate in any judicial proceedings at the Court of Kahnawà:ke as may be necessary, including the review of his/her decision to reject the complaint as being frivolous, vexatious or clearly without merit.**
- Cooperates with whoever is assigned to defend a decision(s) made by the Complaints Officer.

ADMINISTRATIVE SUPPORT AND RESOURCES

MCK Justice Services is responsible to coordinate the provision of administrative support to the Complaints Officer during his/her term of office.

ACCOUNTABILITY

Accountable to ensure that the process set forth at sections 6.1 to 6.7 of the *Mohawk Council of Kahnawà:ke Disciplinary Measures Regulations* is respected and completed without undue delay.

Accountable to the Commissioner of Justice for administrative purposes only.

ELIGIBILITY

All applicants for Complaints Officer:

- 1) Must be over the age of twenty-one (21) years;

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- 2) Must be recognized as a Kanien'kehá:ka of Kahnawà:ke and not currently have their benefits and entitlements as a Kanien'kehá:ka of Kahnawà:ke revoked;
 - 3) Must be ordinarily resident in Kahnawà:ke;
 - 4) Must not have pled guilty or have been convicted and sentenced for a criminal offense as defined in the *MCK Election Law*, within the previous six (6) years. The six (6) year ban commences only after sentence has been served in full or date of guilty plea, as the case may be; and
 - 5) Must meet one of the following minimum education and experience requirements:
 - i) Bachelor's Degree in a related field such as Law, Compliance, or Business Administration plus three (3) years relevant experience; or
 - ii) DEC in a related field such as Law, Compliance, or Business Administration plus five (5) years relevant experience; or
 - iii) High School Diploma plus ten (10) years relevant experience.

Examples of relevant experience include mediation, conducting investigations and complaint resolution.

KNOWLEDGE, SKILLS, ABILITIES AND OTHER ATTRIBUTES:

All applicants for Complaints Officer will also be evaluated on the following:

- 1) Personal and intellectual qualities;
- 2) Experience, knowledge and skills in relation to the duties of Complaints Officer;
- 3) Ability to conduct an inquiry and mediate a dispute;
- 4) The applicant's judgment, open-mindedness, perceptiveness, level-headedness, decision-making and expressive abilities;
- 5) The applicant's conception of the duties of a Complaints Officer;
- 6) Written and oral communication skills;
- 7) Critical thinking and organizational skills;
- 8) Interpersonal and conflict resolution skills; role requires a patient and respectful listener who is focused and able to deal with complex and sometimes emotional situations;
- 9) Ability to work independently and deal with confidential and sensitive matters in a professional manner;

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- 10) Well organized, professional demeanor and able to manage time and multi-task a number of responsibilities with conflicting priorities and timelines; and
 - 11) Ability to synthesize large amounts of complex information.

DURATION

The term of office will be from the date of appointment until the declaration of poll results on Election Day pursuant to section 30.1 of the *MCK Election Law*.

REMUNERATION

Contractual basis for services rendered on an “as needed” basis at a rate of \$300.00 per diem (7.5 hours).

**ALTERNATE COMPLAINTS OFFICER
TERMS OF REFERENCE
MCK DISCIPLINARY MEASURES REGULATIONS**

GENERAL ACCOUNTABILITY

The Alternate Complaints Officer will replace the Complaints Officer when unable to act or in the event of a vacancy. The Alternate Complaints Officer will perform the duties set forth in the *Mohawk Council of Kahnawà:ke Disciplinary Measures Regulations* on an “as needed” basis.

The Alternate Complaints Officer will have the same responsibilities as the Complaints Officer when acting as replacement. For further clarity:

- The Alternate Complaints Officer will be responsible to summarily dismiss any complaint received beyond thirty (30) days of the occurrence or knowledge of the occurrence of the conduct, act or event that is the object of the complaint. In no case will a complaint be received if it is filed more than three (3) years from the occurrence of the conduct, act or event which gives rise to the complaint;
- The Alternate Complaints Officer will be responsible, in the event that the legal delay is met, to conduct a fair and objective inquiry into whether the complaint is frivolous, vexatious or clearly without merit;
- The Alternate Complaints Officer will be responsible to, in the event that it is determined that the complaint is valid, at the request of the parties mediate directly or send the parties to the Skén:nen Aonsón:ton Alternative Dispute Resolution (ADR) process offered through the Kahnawà:ke Justice System; and
- The Alternate Complaints Officer will be responsible to cooperate in any judicial proceedings stemming from his/her decisions that may be subject to judicial proceedings before the Court of Kahnawà:ke.

**DUTIES AND RESPONSIBILITIES OF THE ALTERNATE COMPLAINTS OFFICER
WHEN REPLACING THE COMPLAINTS OFFICER**

1. **The Alternate Complaints Officer is responsible to confirm if the complaint is submitted within thirty (30) days of the occurrence or knowledge of the occurrence of the conduct, act or event that is the object of the complaint.**
 - Confirms submission within the legal delay by verifying the date the formal written complaint was stamped by the Court clerk.

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- Summarily dismisses any complaint not submitted within the legal delay mentioned in section 5.2 or section 5.3 of the Regulations.
 - Advises the complainant in writing of such dismissal.

2. The Alternate Complaints Officer is responsible to conduct an objective inquiry into whether the complaint is frivolous, vexatious, or clearly without merit.

- In the event that the complaint is not summarily dismissed, will immediately conduct an inquiry into the complaint by contacting and interviewing the complainant(s), the Chief(s) whose conduct is the object of the complaint and their respective witnesses.
- Inquires whether the complaint is frivolous, vexatious or clearly without merit.
- Rejects any complaint deemed to be frivolous, vexatious or clearly without merit.
- Advises and provides written reasons to the complainant if the complaint is determined to be frivolous, vexatious or clearly without merit.

3. If the complaint is not determined to be frivolous, vexatious or clearly without merit the Alternate Complaints Officer will offer mediation to the parties.

- At the request of the parties the Alternate Complaints Officer will attempt to mediate the dispute between the parties and find a settlement acceptable to both parties, or send the parties to the Skén:nen Aonsón:ton Alternative Dispute Resolution (ADR) process offered through the Kahnawà:ke Justice System.
- If the parties refuse the offer of mediation, or if either party withdraws from the mediation process, or if after having accepted the offer of mediation no acceptable solution is found within forty-five (45) days of the start of the mediation process (or ninety (90) days from the start of mediation if the parties agreed to extend the mediation period), the Alternate Complaints Officer will refer the complaint to arbitration for adjudication of the issues by forwarding the complaint back to the Court clerk for selection of an Arbitrator.

4. The Alternate Complaints Officer will cooperate in any judicial proceedings at the Court of Kahnawà:ke as may be necessary, including the review of his/her decision to reject the complaint as being frivolous, vexatious or clearly without merit.

- Cooperates with whoever is assigned to defend a decision(s) made by the Alternate Complaints Officer.

ADMINISTRATIVE SUPPORT AND RESOURCES

MCK Justice Services is responsible to coordinate the provision of administrative support to the Alternate Complaints Officer during his/her term of office.

ACCOUNTABILITY

Accountable to ensure that the process set forth at sections 6.1 to 6.7 of the *Mohawk Council of Kahnawà:ke Disciplinary Measures Regulations* is respected and completed without undue delay.

Accountable to the Commissioner of Justice for administrative purposes only.

ELIGIBILITY

All applicants for Alternate Complaints Officer:

- 1) Must be over the age of twenty-one (21) years;
- 2) Must be recognized as a Kanien'kehá:ka of Kahnawà:ke and not currently have their benefits and entitlements as a Kanien'kehá:ka of Kahnawà:ke revoked;
- 3) Must be ordinarily resident in Kahnawà:ke;
- 4) Must not have pled guilty or have been convicted and sentenced for a criminal offense as defined in the *MCK Election Law*, within the previous six (6) years. The six (6) year ban commences only after sentence has been served in full or date of guilty plea, as the case may be; and
- 5) Must meet one of the following minimum education and experience requirements:
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KNOWLEDGE, SKILLS, ABILITIES AND OTHER ATTRIBUTES:

All applicants for Alternate Complaints Officer will also be evaluated on the following:

- 1) Personal and intellectual qualities;
- 2) Experience, knowledge and skills in relation to the duties of Alternate Complaints Officer;
- 3) Ability to conduct an inquiry and mediate a dispute;
- 4) The applicant's judgment, open-mindedness, perceptiveness, level-headedness, decision-making and expressive abilities;

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- 5) The applicant's conception of the duties of the Alternate Complaints Officer;
 - 6) Written and oral communication skills;
 - 7) Critical thinking and organizational skills;
 - 8) Interpersonal and conflict resolution skills; role requires a patient and respectful listener who is focused and able to deal with complex and sometimes emotional situations;
 - 9) Ability to work independently and deal with confidential and sensitive matters in a professional manner;
 - 10) Well organized, professional demeanor and able to manage time and multi-task a number of responsibilities with conflicting priorities and timelines; and
 - 11) Ability to synthesize large amounts of complex information.

DURATION

The term of office will be from the date of appointment until the declaration of poll results on Election Day pursuant to section 30.1 of the *MCK Election Law*.

REMUNERATION

Contractual basis for services rendered on an "as needed" basis at a rate of \$300.00 per diem (7.5 hours).